Address:

FILED
JUL 18 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA.

UNITED STATES OF AMERICA,
PLAINTIFF,

V.

Julio Ruiz Montano
DEFENDANT,

Case No. 08CR-541-WQH

MOTION FOR TIME REDUCTION BY AN INMATE IN FEDERAL CUSTODY. (28 U.S.C. § 2255).

COMES NOW, The Defendant, Julio Ruiz Montano, in Pro-se, Respectfully requesting this Honorable Court, a time reduction on grounds of the following issues; Memorandum of Points and Authorities establish this motion factual basis.

1. Defendant is presently incarcerated at C.C.A./F.C.C. Florence, Arizona, 85232. And soon to be transferred to B.O.P..

2. Defendant plead guilty to Illegal Entry

3. The defendant was sentenced to 30 months.

The defendant is seeking relief to the following;

POINTS AND AUTHORITIES

1. Equal rights Protection; I, VI, VII and XIV Amendments. A person should not be discriminated regardless of race, religion, color or nationality. etc.

2. A, U.S.A. citizen is entitled to 1 (one) year reduction of sentence through a drug program during his incarceration,

PETITION FOR COMMUTATION OF SENTENCE

Print or Type Legibly

Relief Sought. (Check one)

[ ] Reduction of Prison Sentence Only
[ ] Remission of Fine Only
[✓] Reduciton of Prison Sentence and remisson of Fine.
[ ] Other.

TO THE DISTRCIT COURT FOR DISTRICT COURT OF ARIZONA.
TO THE PRESIDENT OF THE UNITED STATES;

Reg. No. 05950298 Confined in the FLORENCE CORRECTIONAL DETENTION CENTER., In seeking a commutation of sentence, states that he was born on 01-09-59, and has Social Security No. NONE (If not a United States Citizen, indicate Country of Citizenship; Mexico Mexican Citizen

Petitioner was convicted on a Plea of 30 months in the United States District Court of San Diego CA Doc.No. of the crime of; Illegal Entry

Involving the following circumstances; ______

and was sentenced on 06-02-08 to imprisonment for 30 Months and/or pay a [ ] Fine [ ] restitution of $______ and/or probation for 1 year [ ] fine [ ] restitution [ ] has [ ] has not been paid. the balance owed is $______.

Petitioner began the service of his time on 02-02-08, he will be released from confinement on 03-02-2010 and his application for parole was [ ] granted [ ] denied. and One has not been submitted, for the fact that illegal aliens do not qualify for parole early release dates.

Complete the following paragraph.

Judgement was affirmed on 06-02-08. A petition for a Writ of Certiorari [ ] was [✓] was not.; sought from the Suprem Court. and [ ] granted [ ] Denied on ______. Petitioner [ ] did [ ] did not Challenge his conviction or sentence under 28 U.S.C. 2255. (Provide citations to court opinions, if known. ______

Petitioner's criminal record, other than the instant offense, is as follows. ASSault intented with Fire weapon

Petitioner respectfully prays that he be granted clemency for the following reasons. I'm Sick of high pressure and Hipertiroidismo

and I would like to get medical attention of my own to get good attention
I would appreciate you so much...

The statements contained herein are true to the best of my knowledge and belief, and I understand that any misstatements of material fact contain herein may subject me to criminal prosecution and/or casue adverse actio on my petition for executive Clemency.

Respectfully Submitted this 15TH day of July 2008.

Signature of Petitioner.

Subscribed and Sworn before me on this 15TH day of July 2008

Pulbic Notary:

Comm. Expires Date

"OFFICIAL SEAL"
Robert Gastelum
Notary Public-Arizona
Pinal County
My Commission Expires 4/9/2011

JS44
(Rev. 07/89)

CIVIL COVER SHEET

FILED
JUL 1 8 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE SECOND PAGE OF THIS FORM.)

I (a) PLAINTIFFS

Julio Ruiz-Montano

DEFENDANTS

United States of America

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND

(c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Julio Ruiz-Montano
PO Box 6900
Florence, AZ 85232
05950-298

ATTORNEYS (IF KNOWN)

U.S. Attorney

II. BASIS OF JURISDICTION (PLACE AN x IN ONE BOX ONLY)

☐ 1 U.S. Government Plaintiff
☐ 3 Federal Question (U.S. Government Not a Party)
☒ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III

III. CITIZENSHIP OF PRINCIPAL PARTIES (PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT (For Diversity Cases Only)

	PT	DEF		PT	DEF
Citizen of This State	☐ 1	☐ 1	Incorporated or Principal Place of Business in This State	☐ 4	☐ 4
Citizen of Another State	☐ 2	☐ 2	Incorporated and Principal Place of Business in Another State	☐ 5	☐ 5
Citizen or Subject of a Foreign Country	☐ 3	☐ 3	Foreign Nation	☐ 6	☐ 6

IV. CAUSE OF ACTION (CITE THE US CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE. DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY).

28 U.S.C. 2255

V. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT
☐ 110 Insurance
☐ Marine
☐ Miller Act
☐ Negotiable Instrument
☐ 150 Recovery of Overpayment &Enforcement of Judgment
☐ 151 Medicare Act
☐ 152 Recovery of Defaulted Student Loans (Excl. Veterans)
☐ 153Recovery of Overpayment of Veterans Benefits
☐ 160 Stockholders Suits
☐ Other Contract
☐ 195 Contract Product Liability

REAL PROPERTY
☐ 210 Land Condemnation
☐ 220 Foreclosure
☐ 230 Rent Lease & Eiectmant
☐ 240 Tort to Land
☐ 245 Tort Product Liability
☐ 290 All Other Real Property

TORTS

PERSONAL INJURY
☐ 310 Airplane
☐ 315 Airplane Product Liability
☐ 320 Assault, Libel & Slander
☐ 330 Federal Employers' Liability
☐ 340 Marine
☐ 345 Marine Product Liability
☐ 350 Motor Vehicle
☐ 355 Motor Vehicle Product Liability
☐ 360 Other Personal Injury

PERSONAL INJURY
☐ 362 Personal Injury- Medical Malpractice
☐ 365 Personal Injury - Product Liability
☐ 368 Asbestos Personal Injury Product Liability

PERSONAL PROPERTY
☐ 370 Other Fraud
☐ 371 Truth in Lending
☐ 380 Other Personal Property Damage
☐ 385 Property Damage Product Liability

CIVIL RIGHTS
☐ 441 Voting
☐ 442 Employment
☐ 443 Housing/Accommodations
☐ 444 Welfare
☐ 440 Other Civil Rights

PRISONER PETITIONS
☒ 510 Motions to Vacate Sentence Habeas Corpus
☐ 530 General
☐ 535 Death Penalty
☐ 540 Mandamus & Other
☐ 550 Civil Rights

FORFEITURE/PENALTY
☐ 610 Agriculture
☐ 620 Other Food & Drug
☐ 625 Drug Related Seizure of Property 21 USC881
☐ 630 Liquor Laws
☐ 640 RR & Truck
☐ 650 Airline Regs
☐ 660 Occupational Safety/Health
☐ 690 Other

LABOR
☐ 710Fair Labor Standards Act
720 Labor/Mgmt. Relations
☐ 730 Labor/Mgmt. Reporting & Disclosure Act
☐ 740 Railway Labor Act
☐ 790 Other Labor Litigation
☐ 791 Empl. Ret. Inc.
☐ Security Act

BANKRUPTCY
☐ 422 Appeal 28 USC 158
☐ 423 Withdrawal 28 USC 157

PROPERTY RIGHTS
☐ 820 Copyrights
☐ 830 Patent
☐ 840 Trademark

SOCIAL SECURITY
☐ 861 HIA (13958)
☐ 862 Black Lung (923)
☐ 863 DIWC/DIWW (405(g))
☐ 864 SSID Title XVI
☐ 865 RSI (405(g))

FEDERAL TAX SUITS
☐ 870 Taxes (U.S. Plaintiff or Defendant)
☐ 871 IRS - Third Party 26 USC 7609

OTHER STATUTES
☐ 400 State Reappointment
☐ 410 Antitrust
☐ 430 Banks and Banking
☐ 450 Commerce/ICC Rates/etc.
☐ 460 Deportation
☐ 470 Racketeer Influenced and Corrupt Organizations
☐ 810 Selective Service
☐ 850 Securities/Commodities Exchange
☐ 875 Customer Challenge 12 USC
☐ 891 Agricultural Acts
☐ 892 Economic Stabilization Act
☐ 893 Environmental Matters
☐ 894 Energy Allocation Act
☐ 895 Freedom of Information Act
☐ 900 Appeal of Fee Determination Under Equal Access to Justice
☐ 950 Constitutionality of State
☐ 890 Other Statutory Actions

VI. ORIGIN (PLACE AN X IN ONE BOX ONLY)

☒ 1 Original Proceeding ☐ 2 Removal from State Court ☐ 3 Remanded from Appelate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VII. REQUESTED IN COMPLAINT: ☐ CHECK IF THIS IS A CLASS ACTION UNDER f.r.c.p. 23 **DEMAND $** Check YES only if demanded in complaint: **JURY DEMAND:** ☐ YES ☐ NO

VIII. RELATED CASE(S) IF ANY (See Instructions): JUDGE Docket Number

DATE 7/18/2008

~~SIGNATURE OF ATTORNEY OF RECORD~~

R.Mull